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Attorneys for Defendants
PROTECTIVE LIFE INSURANCE COMPANY and
EMPIRE GENERAL LIFE ASSURANCE CORPORATION

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BEVERLY ALLEN, Individually, and
on Behalf of the Class,

Plaintiff,

vs.

PROTECTIVE LIFE INSURANCE
COMPANY, a Tennessee Corporation;
EMPIRE GENERAL LIFE
INSURANCE COMPANY, an
Alabama Corporation,

Defendants.

No.: 1:20-cv-0053-NONE-JLT

**JOINT STIPULATION TO CONTINUE
BRIEFING SCHEDULE RE
DEFENDANTS' MOTIONS; AND
ORDER**

1 Plaintiff BEVERLY ALLEN, Individually, and on Behalf of the Class
2 ("Plaintiff") and Defendants PROTECTIVE LIFE INSURANCE COMPANY and
3 EMPIRE GENERAL LIFE ASSURANCE CORPORATION¹ (collectively,
4 "Defendants"), by and through undersigned counsel, hereby stipulate as follows,
5 subject to the approval of the Court:

6 WHEREAS, on June 22, 2020, Defendants filed a Motion to Dismiss (ECF
7 12). The hearing date for this motion is currently set for August 4, 2020. Plaintiff
8 intends to oppose Defendants' Motion to Dismiss.

9 WHEREAS, on June 22, 2020, Defendants filed a Motion to Stay Discovery
10 (ECF 13). The hearing date for this motion is currently set for August 4, 2020. Per
11 L.R. 251, the parties are required to participate in and file a Joint Statement re:
12 Discovery Disagreement at least seven days prior to the hearing.

13 WHEREAS, the parties have met and conferred and are familiar with the
14 legal and factual issues in this case and asserted in the Motion to Dismiss and
15 Motion to Stay. Both parties agree that in light of this week's government orders
16 regarding the Covid 19 pandemic, that extensions of time to oppose and reply to the
17 Motion to Dismiss and to prepare a Joint Statement re: Discovery Disagreement are
18 necessary and reasonable, and that ultimately the Court would also benefit from
19 more time to brief the issues presented by the motions.

20 NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between
21 Plaintiff and Defendants, through their respective counsel, to the following briefing
22 and hearing schedule for the Motion to Dismiss and the Motion to Stay Discovery:

- 23 1. Plaintiffs will have until August 11, 2020, to file her opposition in
24 response to Defendants' Motion to Dismiss;
- 25 2. Defendants' reply to Plaintiff's opposition shall be due on or before
26 August 25, 2020;

27 ¹ Defendants contend that Empire General Life Assurance Corporation is incorrectly identified in
28 the Complaint as Empire General Life Insurance Company.

1 3. The current August 4, 2020, hearing date for Defendants' Motion to
2 Dismiss will be continued to September 1, 2020, or on a date convenient for the
3 Court;

4 4. The current August 4, 2020, hearing date for Defendants' Motion to
5 Stay Discovery will be continued to September 1, 2020, or on a date convenient for
6 the Court, and the Joint Statement re: Discovery Disagreement will be filed
7 accordingly on or before August 25, 2020; and

8 5. The parties further agree that this case is in its early stages and that no
9 party is prejudiced by the proposed stipulated schedule.

10
11 **IT IS SO STIPULATED:**

12 DATED: July 16, 2020

WINTERS & ASSOCIATES

13 /s/Jack B. Winters, Jr.

14 Attorneys for Plaintiff BEVERLY
15 ALLEN, Individually, and on Behalf
16 of the Class

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21 Attorneys for Plaintiff BEVERLY
22 ALLEN, Individually, and on Behalf
23 of the Class

24 DATED: July 16, 2020

MAYNARD, COOPER & GALE, LLP

25 /s/Nicholas J. Boos

26 Attorneys for Defendants

27 PROTECTIVE LIFE INSURANCE

COMPANY and EMPIRE GENERAL

28 LIFE ASSURANCE CORPORATION

ORDER

In accordance with the parties' joint stipulation:

1. The current August 4, 2020, hearing date for Defendants' Motion to Dismiss (Doc. No. 12) will be continued to **September 1, 2020**, although the parties are reminded that pursuant to the Standing Order Re Judicial Emergency issued April 14, 2020, (Doc. No. 3-3), the matter will be taken under submission on the papers pursuant to Local Rule 230(g) and the hearing date serves only to set the deadlines for the filing of any oppositions or replies.

2. The current August 4, 2020, hearing date for Defendants' Motion to Stay Discovery (Doc. No. 13) will be continued to **September 1, 2020**; and the Joint Statement re: Discovery Disagreement will be filed accordingly on or before August 25, 2020; and

IT IS SO ORDERED.

Dated: **July 17, 2020**


UNITED STATES DISTRICT JUDGE